

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 405

BY SENATORS RUCKER, ARVON, AZINGER, CLINE,

GAUNCH, KARNES, MAYNARD, AND SMITH

[Introduced January 26, 2018; Referred
to the Committee on Health and Human Resources; and
then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-2P-1, §16-2P-2, and §16-2P-3, all relating to the right to life guaranteed
 3 to all human beings; and providing definitions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 2P. LIFE AT CONCEPTION ACT.

§16-2P-1. Short title.

1 This article may be cited as the “Life at Conception Act of 2018.”

§16-2P-2. Right to life.

2 (a) IN GENERAL — To implement equal protection for the right to life of each born and
 3 preborn human person, and pursuant to the duty and authority of the legislative body, including
 4 the power under section 8 of article I of the Constitution of the United States and Article VI of the
 5 Constitution of the State of West Virginia to make necessary and proper laws and the power under
 6 section 5 of the 14th Amendment to the Constitution of the United States, we hereby declare that
 7 the right to life guaranteed by the Constitutions of the United States and the State of West Virginia
 8 is vested in each human being.

9 (b) Nothing in this article shall be construed to require the prosecution of any woman for
 10 the death of her unborn child, to prohibit in vitro fertilization, or to prohibit the use of birth control
 11 or another means of preventing fertilization.

§16-2P-3. Definitions.

12 In this article, the following definitions apply:

13 (1) HUMAN PERSON; HUMAN BEING — The terms “human person” and “human being”
 14 include each member of the species homo sapiens at all stages of life, including the moment of
 15 fertilization or cloning, or other moment at which an individual member of the human species
 16 comes into being; and

17 (2) STATE — For purposes of applying the 14th Amendment to the Constitution of the
18 United States and other applicable provisions of the Constitution to carry out §16-2P-2 of this
19 code, the term “State” is defined as the State of West Virginia.

NOTE: The purpose of this bill is to guarantee the right to life to all human beings and to provide definitions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.